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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590

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EXAMINER

NGUYEN, TU X

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/494,444

Applicant(s)

BHUTA ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 15, 17-23, 25, 26 and 28 is/are rejected.
- 7) ☒ Claim(s) 8, 10-14, 16 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 18, 25 and 28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 18 and 28, rejected under 35 U.S.C. 112, second paragraph, "receiving of commands" "a receiver" and "said receiver" as being indefinite for failing to particularly point out "which receiver" and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 18, 21 and 25, are rejected under 35 U.S.C. 102(e) as being anticipated by Ghori et al. (US Patent 6,243,772).

Regarding claims 18 and 25, Ghori et al. disclose a method for the wireless transmission (635, 490, fig.6 and col.8 lines 7-14) and receiving of commands and information for display by the receiver in response to the commands, comprising the steps of:

- a. encoding into a data packet (see col.12 lines 11-14, 53-54) graphical image data and at least one command for the display of said graphical image data (see col.8 line 59 through col.9 line 11 and col.17 lines 34-40);
- b. transmitting by wireless transmission said data packet to a receiver (635, 490, fig.6)
- c. receiving said data packet at said receiver and storing said data packet in memory (see col.13 lines 29-31)
- d. accessing said data packet in said memory dynamically displaying said image represented by said graphical image data on a display (see col.12 line 25 through col.15 line 29).

Regarding claim 21, Ghori et al. disclose transmitter interrupts said transmission of said data packet in response to receiving said request signal (see col.12 lines 15-24).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ghori et al., in view of Kalluri et al. (US Patent 5,937,331).

Regarding claim 17, Ghori et al. fail to disclose a repeat command.

Kalluri et al. disclose a repeat command (see col.3 lines 52-64). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ghori et al. with the above teaching of Kalluri et al. in order to provide a protocol and system for transmitting commands from a remote network and for controlling interactive program content at a broadcast station are thus desirable which alleviate the problems of failed command transmissions from the remote network.

8. Claims 19-20 and 23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghori et al. in view of Hubbe et al. (US Patent 6,667,748).

Regarding claims 19-20 and 23, Ghori et al. fail to disclose images as a series of space related images.

Hubbe et al. disclose images as a series of space related images (see col.3 lines 19-40). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ghori with the above teaching of Hubbe in order to provide a pause time on one or more images sequentially display.

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9. Claims 22 and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghori et al.

Regarding claim 22 and 26, Ghori et al. disclose synchronous or asynchronous data transmission (see col.8 lines 34-44). However Ghori et al. do not disclose a receiver is in an idle or busy mode for transmission, and a signal indicative of successful transmission. The examiner takes an Official notice that the concept indicative of busy/idle/success transmission are well known in the art. It would have been obvious communication between transmitter and receiver including programmable computer ready to send data when the other end ready to receive, wait to send when the other end is busy and acknowledge of successful transmit/receive signals.

10. Claims 1, 4-5, 15 and 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghori et al. in view of Rackett (US Patent 6,282,322).

Regarding claim 1 and 28, Ghori et al. disclose everything as claim 1 above. However, Ghori et al. fail to disclose a transmitter including an encoder.

Rackett disclose a transmitter including an encoder (see col.6 lines 44-45). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ghori et al. with the above teaching of Rackett in order to provide in and encoder predicted low frequency coefficients and in the decoder, the low frequency coefficients are again predicted and the resulting actual transform coefficients are used to reconstruct an image as suggested by Rackett (see abstract).

Regarding claim 4, the modified Ghori et al. disclose transmitter interrupts said transmission of said data packet in response to receiving said request signal (see Ghori, col.12 lines 15-24).

Regarding claims 5, 15 the modified Ghori et al. disclose synchronous or asynchronous data transmission (see Ghori, col.8 lines 34-44). However the modified Ghori et al. do not disclose a receiver is in an idle or busy mode for transmission, and a signal indicative of successful transmission. The examiner takes an Official notice that the concept indicative of busy/idle/success transmission are well known in the art. It would have been obvious communication between transmitter and receiver including programmable computer ready to send data when the other end ready to receive, wait to send when the other end is busy and acknowledge of successful transmit/receive signals.

11. Claims 2-3, 6-7 and 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghori et al., in view of Rackett and further in view of Hubbe et al. (US Patent 6,667,748).

As to claims 2-3, 6 and 9, the modified Ghori et al. fail to disclose displays said images as a series of space related images.

Hubbe et al. disclose displays said images as a series of space related images (see col.3 lines 19-39). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Ghori

with the above teaching of Hubbe et al. in order to provide time space allocated into sequential image enabling a human eye to perceive at different rates of display.

Regarding claim 7, the modified Ghori et al. fail to disclose display of said image at predetermined intervals of time.

Hubbe et al. disclose displays said images as a series of space related images (see col.3 lines 19-39). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Ghori with the above teaching of Hubbe et al. in order to provide time space allocated into sequential image enabling a human eye to perceive at different rates of display.

Allowable Subject Matter

12. Claims 8, 10-14, 16 and 27, would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter:

Regarding dependent claim 8, none of prior art teaching "command in said data packet is for the display of said image at predetermined intervals of time" as cited in the claim.

Regarding dependent claim 10, none of prior art teaching "command is for the display of said image and the termination of said message at a predetermined time" as cited in the claim.

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Regarding dependent claims 16 and 27, none of prior art teaching "transmitter includes a data base of attributes for respective receivers and said controller is connected to said data base for identifying a respective attributes and including in said data packet a predetermined command in response to said respective attribute"

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

April 6, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER